

620 C-1 GENERAL COMMERCIAL DISTRICT

620.01 Purpose. This district is intended primarily for the location of general retail commercial and services activities.

620.02 Use Regulations. Buildings, structures or premises shall be used and buildings and structures shall be erected, altered or enlarged only for the uses listed below. All other uses not specifically listed or determined to be similar to those described below shall be prohibited and unlawful. All uses described in this section shall be conducted within a completely enclosed building unless otherwise permitted by use permit, the specific requirements of this section or Section 902.

A. Permitted Uses and Structures

1. Administrative and executive offices.
2. Amusement arcades.
3. Antique shops.
4. Apparel stores.
5. Appliance and hardware stores.
6. Auction houses/stores.
7. Auto parts stores, including minor machine services, such as on-site brake rotor turning.
8. Automobile repair, Minor (within completely enclosed building).
9. Barber and beauty shops.
10. Bed and Breakfast establishments subject to the following:
 - a. There shall be a maximum of six (6) guest units.
 - b. The same regulations and development standards applicable to hotel and motel establishments shall apply.
 - c. Primary access to guest rooms shall only be allowed through the main entrance of the building.
11. Bicycle and moped shops.
12. Blueprint and photocopy services.
13. Books, gifts and stationery stores.
14. Campaign headquarters.
15. Candy stores and confectioneries.
16. Catering establishments.
17. Clerical and professional offices.
18. Clubs and lodges for youth (YMCA, etc.).
19. Commercial art galleries.
20. Convalescent homes.
21. Custom service and craft shops, limited to 3000 square feet of shop floor area.
22. Dairy products stores.
23. Dancing, art, music and business schools.
24. Department stores.
25. Decorating and drapery shops.
26. Drive-in stores and restaurants.
27. Drug stores and pharmacies.
28. Employment services.
29. Financial institutions.
30. Florist shops.
31. Furniture stores.
32. Hobby shops.
33. *[Intentionally omitted pursuant to Ordinance No. 97-18; effective Jan. 8, 1998]*
34. Janitorial services and supplies.
35. Jewelry stores.
36. Laundry and dry cleaning pick-up and delivery agencies and self-service laundries.

37. Liquor stores.
 38. Medical, dental and related health services for humans, including laboratories and clinics.
 39. Mortuaries.
 40. Newspaper and magazine stores.
 41. Nurseries and garden supply stores, providing that all merchandise, equipment and supplies other than plants are kept within enclosed buildings or a fully-screened enclosure.
 42. Office and business machine stores.
 43. Pet shops and supplies and feed stores.
 44. Printing shops.
 45. Private clubs and lodges operated solely for the benefit of the bona fide members.
 46. Postal contract stations with no more than 1000 post office boxes.
 47. Public and private libraries and museums.
 48. Public/private educational institutions.
 49. Public utility and public service offices.
 50. Public utility and public service substations, pumping plants and similar installations not exceeding six hundred fifty (650) square feet and not including water tanks, or repair or storage facilities.
 51. Radio Stations (commercial) without on-site transmitting towers or without roof-mounted satellite, receive-only earth stations.
 52. Religious institutions, columbariums and places of worship in permanent buildings.
 53. Restaurants, including sale of alcoholic beverages.
 54. Retail bakeries which may include baking and confection making for on-site sale only.
 55. Shoe stores, sales and repair.
 56. Sign painting shops within a closed building.
 57. Single-family residence established as an integral part of the commercial building for exclusive use by the owner, operator or caretaker of the business.
 58. Small appliance repair.
 59. Sporting goods stores.
 60. Stamp and coin shops.
 61. Supermarkets.
 62. Swimming pool/spas sales and service.
 63. Tailor shops.
 64. Taxidermists.
 65. Telegraph offices.
 66. Television and radio sales and service.
 67. Tire sales and service, conducted within completely enclosed building.
 68. Tobacco shops.
 69. Toy stores.
 70. Travel agencies.
 71. Variety stores.
 72. Accessory uses and structures located on the same site as a permitted use.
- B. Uses subject to Conditional Use Permit
1. Automotive service stations. The maximum square footage for canopies associated with gasoline pumps shall be no more than twenty five percent (25%) larger in area than the primary structure (convenience store/service station) or three thousand (3000) square feet, whichever is smaller.
 2. Automobile, truck, trailer, boat, camper, farm implement and machine, recreational vehicle and motorcycle sales and services, including rental agencies, general repair and washing

(subject to the minimum requirements of the C-2 District - additional conditions may be required).

3. Automobile repair (General), including the minimum requirements of the C-2 District (additional conditions may be required).
4. Bowling alleys and billiard halls.
5. Car washes.
6. Cocktail lounges and bars.
7. Commercial trade or vocational schools.
8. Commercial kennels, entirely enclosed and completely sound-proofed.
9. Convenience markets. The maximum square footage for canopies associated with gasoline pumps shall be no more than twenty five percent (25%) larger in area than the primary structure (convenience store/service station) or three thousand (3000) square feet, whichever is smaller.
10. Day care and nursery schools.
11. Jeep tour offices and staging areas, excluding on-site storage of vehicles.
12. Miniature golf.
13. Newspaper and magazine printing and publishing.
14. Post office.
15. Public and private parking facilities.
16. Public utility and public service substations, water tanks, pumping plants and similar installations six hundred fifty (650) square feet or greater including repair or storage facilities.
17. Skateboard parks.
18. Skating rinks.
19. Theaters.
20. Tire sales and service with outside display.

21. Veterinarian offices and animal hospitals, including commercial kennels contained entirely within the same building as the office or hospital and not occupying more than fifty percent (50%) of the total floor area. The boarding area shall be completely sound-proofed.

22. Wholesale bakeries.

23. Accessory uses and structures located on the same site as a conditional use.

24. Non-profit fund-raising activities that are not conducted within permanent structures and which occur on a more frequent basis than provided for under Sections 407 are subject to the conditional use permit provisions of Section 402.

C. Open Air Businesses subject to the following provisions:

1. Open air businesses are distinct from and not subject to the provisions of Section 407 (temporary uses) in that the duration of use is of a more permanent nature.
2. Open air businesses are subject to the approval of a conditional use permit. In the conduct of open air businesses, the following standards and requirements shall apply:
 - a. Open air business activities shall be conducted on the same lot or parcel as the primary business with which such activities are associated. The area in which displays and business activities occur outside a permanent structure shall be designated "outside sales/display area."
 - b. The outside sales/display area shall be an area enclosed and surrounded by:
 1. A building or group of buildings
 2. A masonry wall at least six (6) feet in height (or as otherwise specified for the applicable zoning district)
 3. A combination of the above.
 - c. The Commission may authorize other screening as an alternative to masonry

- walls, provided that the outside sales/display area is properly screened from the view of any contiguous property, right-of-way or easement. Alternative screening may include, but is not limited to, fencing, landscaping or dense live plant material.
- d. Applications for open air businesses are subject to the requirements of Section 402 (conditional use permit). In addition, applications submitted must include:
 1. A plan identifying the entire outside sales/display area and all existing and proposed structures on the same parcel or lot.
 2. A proposed implementation schedule.
 3. The use category(s) for the outdoor sales and displays activities:

Category A	Retail (general retail sales only)
Category B	Professional Services (includes general retail sales and/or professional services)
Category C	Food Services (includes general retail sales, professional services and/or food service)
 4. A brief description of the items to be sold or services to be provided.
 5. A drawing showing the separate sales/display locations to be used, location and dimensions of items to be displayed, and any furniture, devices or accompanying features used in the outside sales/display area. For food service uses, indicate any heating or cooking devices utilized, source of power, etc.
 6. Hours of operation.
 7. Transaction Privilege Tax (TPT) number.
 - e. A valid copy of all necessary permits required by state or local health authorities must be on file with the Community Development Department.
 - f. Off-street parking for the outside sales/display area shall comply with the provisions of Article 9. The number of spaces shall be consistent with those required in the schedule of off-street parking requirements in Section 912.04.
 - g. "Gross floor area" shall be determined by calculating the square footage of the outside sales/display area as depicted on the required site plan. The outside sales/display area may occupy all or a portion of the enclosure described in Section 620.02D.2.b.
 - h. Following issuance of a conditional use permit and in accordance with the proposed implementation schedule, the City will inspect the area and items displayed to ascertain compliance with the provisions of these regulations. In addition, the City may inspect such areas and items at any time thereafter to ensure continued compliance.
 - i. Any proposed revisions or changes to an approved conditional use permit that would result in an increase in the number of sales/display locations, an increase in floor area or a change in the approved use category shall be submitted in the same manner, and may be subject to the same approval process as the original review.
 - j. If applicant fails to comply with conditions of a use permit, the conditional use permit shall be suspended automatically and may be revoked in accordance with the procedures prescribed in Section 402.10.
 - k. General Standards
 1. Outdoor sales and display items, furniture or other associated devices shall not obstruct exits and entrances nor shall they impede free flow of pedestrian traffic.
 2. The designated outdoor sales/display area shall be kept clean and free from litter and debris at all times.

3. To minimize visual impacts and maintain an attractive appearance, the City may require aesthetic enhancements (i.e. decorative and/or architectural embellishments, landscaping, etc.)
 1. Additional conditions may be required as provided in Section 402.05 and 402.06 of this Code.
- E. Adult Uses, in conjunction with permitted or conditional uses in this district. In order to prevent possible adverse secondary effects associated with the establishment of adult uses, including neighborhood deterioration and blight, increase in criminal activity, and diminution in surrounding property values, all adult uses shall be subject to the provisions of Section 402 (conditional use permits) except as otherwise provided in this section.
1. A conditional use permit application for any proposed adult use shall be submitted pursuant to the provisions of Sections 402.02 A and B, including the procedures described therein for a preapplication consultation and application submittal requirements. After the filing of a conditional use permit application for a proposed adult use with the Community Development Department, the Director shall within fifteen (15) days of filing of the application, determine if the application is complete. If the application is found to be incomplete, the Director shall immediately inform the applicant in writing, by certified mail, of the reasons thereof. The Director shall process any resubmitted application in accordance with the same requirements applicable to the processing of the original application. An applicant may appeal the Director's determination that the application is incomplete to the Board of Adjustment pursuant to section 404.10.
 2. No conditional use permit application for any proposed adult use shall be deemed complete unless the Director has determined that all of the following conditions exist:
 - a. No other adult use is located within one thousand (1,000) feet of the proposed adult use.
 - b. The proposed adult use, if established, would not be located within three hundred (300) feet of the following protected uses, provided such protected uses are established on or before the date an application for the proposed adult use is filed:
 1. a public or private day nursery or preschool;
 2. elementary, middle, or secondary school;
 3. instructional school, if a majority of the student's population are minors at the time application is made for the adult use permit;
 4. vocational high school;
 5. public park or trailhead;
 6. teen dance center;
 7. game center;
 8. amusement park;
 9. public library;
 10. church, synagogue or temple; or
 11. community buildings or recreational facility not publicly owned (such as Boys and Girls Club, YMCA, etc.)
 - c. The proposed adult use, if established, would not be located within three hundred (300) feet of any of the following zoning district boundaries: RS-5A, RS-70, RS-36, RS-35, RS-18a, RS-18b, RS-12, RS-10a, RS-10b, RS-6, RMH-12, RMH-10, RMH-6, RM-1, RM-2, RM-3, MH, PRD, CN, OP, RC, PD, CF, OS, T, or NF unless a petition requesting waiver of this requirement, signed by fifty-one (51) percent of those persons residing, thirty (30) days or more, within a three hundred (300) foot radius of the proposed location and by fifty-one (51) percent of those non-governmental owners who own uses listed in paragraph 2.b within a five hundred (500) foot radius of the proposed location is received and verified by the Director. In such cases, the Planning and Zoning Commission may waive conditions 2.b. and 2.c.
 3. For purposes of this section, streets and other thoroughfares adjacent to the zoning district boundaries specified in paragraph 2.c shall

themselves be considered within such district boundaries.

Measurements to determine whether the proposed adult use is within 1000 feet of any other adult use shall be measured from the nearest point of the exterior wall of the proposed adult use to the nearest exterior wall of any other adult use.

Measurements to determine whether the proposed adult use is within 300 feet of a zoning district boundary shall be measured from the nearest point of the exterior wall of the proposed adult use to the nearest edge of the zoning district boundary.

Measurements to determine whether the proposed adult use is within 300 feet of any use identified in 2.b above shall be measured from the nearest point of the exterior wall of the proposed adult use to the nearest point of lot boundary.

Measurements to determine whether the proposed adult use is within 300 feet of any recreational area, park, or trailhead shall be measured from the nearest point of the exterior wall of the proposed adult use to the nearest edge of the nearest public right-of-way, public parking, public access or fenced area associated with the recreational area, park or trailhead.

Measurements involving a proposed adult use and any use identified in 2a or 2b above, both located on the same multi-tenant parcel, shall be measured from the nearest point of the exterior wall of the proposed adult use to the nearest point of the exterior wall of any use identified in 2a or 2b above.

4. Following acceptance of a complete application, the Director shall conduct a formal review and prepare a report which shall be submitted to the Planning and Zoning Commission and made available to the applicant, media, and general public seven (7) calendar days prior to the public hearing. Notice of hearings shall be given the same manner as provided in Section 402.04.

5. Action of the Planning and Zoning Commission regarding the conditional use permit application shall be in accordance with Section 402.05 based upon the findings in 402.06 and in addition, the Planning and Zoning Commission shall also find that the granting of such conditional use permit would not endanger the public health, safety or welfare by significantly increasing the likelihood of one (1) or more of the following:

- a. Hazards to the public health arising from the creation of a sanitary nuisance.
- b. Illegal conduct in the areas surrounding the proposed adult use.
- c. Adverse impacts on surrounding property resulting from an unusual volume or character of vehicular or pedestrian traffic.
- d. Substantial and demonstrable diminution of the market value of surrounding property.

6. The decision of the Planning and Zoning Commission shall be final fifteen (15) days from the date of the decision unless, prior to the expiration of that period, an appeal has been filed with the Director.

7. Notwithstanding the provisions of Section 402, all conditional use permits for adult uses shall be subject to the following conditions:

- a. All exterior doors shall remain closed during business hours.
- b. All materials, projections, entertainment or other activities involving or depicting "specified sexual activities" or "specified anatomical areas" shall not be visible from off-premise areas or from portions of an establishment accessible to minors.
- c. Sound from projections or entertainment shall not be audible from off-premise areas.

8. An applicant whose complete application for a conditional use permit for an adult use has been denied by the Planning and Zoning Commission or approved by the Planning and Zoning Commission, but subject to conditions unacceptable to the applicant shall have the right to appeal to City Council as provided in Section 402.08.

9. Each of the provisions of this Section, including each of the findings set forth in Section 402.06 and subsection 5.a-d above, shall be severable, and a judicial determination that any such provision is invalid on Federal or State constitutional grounds, or otherwise, shall not affect the validity of:

- a. Any other provisions; or
- b. Any determination by the Planning and Zoning Commission insofar as it is based on any provision not determined to be invalid.

10. These provisions shall not be construed as permitting any use or act which is otherwise prohibited or made punishable by law.

E. Uses subject to Temporary Use Permit. Any use prescribed in Section 407.

620.03 Approvals Required. Prior to the construction of physical improvements and the issuance of a building permit, Development Review approval shall be obtained as outlined in Section 401. Where required, conditional use permits shall be obtained as outlined in Section 402 and temporary use permits shall be obtained as outlined in Section 407.

620.04 Property Development Standards. The following property development standards shall apply to all permitted land and building uses:

A. Lot Area. Each lot shall have a minimum lot area of ten thousand (10,000) square feet.

B. Lot Dimensions

1. All lots shall have a minimum width of sixty (60) feet.
2. All lots shall have a minimum depth of one hundred (100) feet.

C. Lot Coverage. Maximum lot coverage shall not exceed twenty five (25%) percent.

D. Floor Area Ratio shall not exceed .50.

E. Yards

1. Front yard - There shall be a front yard of not less than fifteen (15) feet in depth.

2. Interior side yard - An interior side yard is not required except wherever a lot abuts a lot in any residential district.

3. Exterior side yard - There shall be an exterior side yard of not less than ten (10) feet.

4. Rear yard - A rear yard is not required except for parking and maneuvering and wherever a lot abuts a lot in any residential district.

5. A minimum building setback of twenty (20) feet shall be required wherever a lot abuts a lot in any residential district.

F. Access. All lots shall have frontage on and vehicular access from a dedicated street unless other frontage and/or permanent vehicle access has been approved by the Director. Each building site shall have a minimum width, easement or right-of-way for access of twenty (20) feet.

G. Distance Between Buildings. There shall not be less than ten (10) feet between an accessory building and a main building or between two (2) buildings.

H. Accessory Structures. Accessory structures and architectural features shall comply with the requirements of Article 9.

I. Height and Screening Regulations. All buildings, structures, walls and fences shall comply with the provisions of Article 9.

J. Color and Materials. The exterior color and materials of all buildings, structures, walls and fences shall comply with the provisions of Article 9.

K. Utilities. Utilities shall be provided in compliance with the provisions of Article 9.

L. Trees. Trees shall be preserved and planted to comply with the provisions of Article 9.

M. Outdoor Lighting. Outdoor lighting shall comply with the provisions of Article 9.

N. Landscaping. The landscaping provisions of Article 9 shall apply.

- O. Off-street Parking. Off-street parking shall comply with the provisions of Article 9.
- P. Signs. Signs shall comply with the provisions of Article 11.
- Q. Design Standards. The provisions of Article 10 shall apply as administered through the Development Review process of Article 4.